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1 **DETAILED ACTION**

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3 This action is in response to the communication filed on

4 All objections and rejections not set forth below have been withdrawn.

5 Claims 1, 2, 4 – 11, 13 – 21, 23 – 27 are pending.

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8 ***Claim Rejections - 35 USC § 103***

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10 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

11 obviousness rejections set forth in this Office action:

12 (a) A patent may not be obtained though the invention is not identically disclosed or described as set
13 forth in section 102 of this title, if the differences between the subject matter sought to be patented and
14 the prior art are such that the subject matter as a whole would have been obvious at the time the
15 invention was made to a person having ordinary skill in the art to which said subject matter pertains.
16 Patentability shall not be negated by the manner in which the invention was made.

17

18 **Claims 1, 2, 4 – 11, 13 – 21, 23 – 27 are rejected under 35 U.S.C. 103(a) as**19 **being unpatentable over Massimo et al. (Massimo), “Method and system for the**20 **controlled delivery of digital multimedia services”, EP 0 982 935 A2 , in view of**21 **Medvinsky et al. (Medvinsky), U.S. Patent Publication, U.S. 2005/0071663.**

22

23 Regarding claim 1, Massimo discloses a secure system *including* a secure24 *device holding confidential data and a terminal apparatus to which said secure device is*25 *connected* (fig. 2),

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1 *said secure system comprising: a first storage unit included in one of said secure*
2 *device and said terminal apparatus, and operable to store domain information defining a*
3 *domain of said secure device and said terminal apparatus; a second storage unit*
4 *included in one of said secure device and said terminal apparatus, and operable to*
5 *store an extra-domain usage rule which is a rule for use of said secure device outside*
6 *the domain* (Massimo, par. 28). Herein, Massimo discloses wherein one of a “secure
7 device” and a “terminal apparatus” comprise sufficient memory (i.e. “first storage unit”,
8 “second storage unit”) capable of storing information (i.e. “operable to store”);

9 Massimo discloses a digital content enabling a user to render content or access
10 services. However, Massimo does not appear to give consideration to “domains”.

11 Medvinsky discloses a digital content system wherein users can render content or
12 access services within different domains according to established rules (Medvinsky, par.
13 5, 7, 207, 208). It would have been obvious to one of ordinary skill in the art to apply
14 the concepts of rendering content or accessing services within different domains to the
15 system of Massimo. This would have been obvious because one of ordinary skill in the
16 art would have been motivated by the prior art teachings that it is desirable to protect
17 digital content systems with authorized domains (Medvinsky, par. 4, 5).

18 The combination enables:

19 *a first judgment unit included in one of the secure device and the terminal*
20 *apparatus, and operable to judge, according to the domain information, whether one of*
21 *the secure device and the terminal apparatus is currently inside the domain or outside*
22 *the domain* (Massimo, par. 37; Medvinsky, par. 7, 11, 49). Herein, the combination

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1 enables a means for judging whether one of the secure device and terminal apparatus
2 is inside/outside of a domain (i.e. "a first judgment unit").

3 *a second judgment unit included in one of the secure device and the terminal*
4 *apparatus, and operable to judge, according to the extra-domain usage rule, whether or*
5 *not use of the secure device is permitted, in the case where it is judged by the first*
6 *judgment unit to be outside the domain* (e.g. Massimo, par. 37; Medvinsky, par. 49, 91,
7 167-173). Herein, the combination enables a means for judging within one of the
8 secure device and terminal apparatus according to an "extra-domain usage rule" in
9 cases characterized as outside the domain (i.e. "a second judgment unit").

10 *and a control unit included in one of the secure device and the terminal*
11 *apparatus, and operable to enable the use of the secure device in the terminal*
12 *apparatus in one of: 1) the case where it is judged by the first judgment unit to be inside*
13 *the domain; and 2) the case where it is judged by said second judgment unit that use is*
14 *permitted* (e.g. Massimo, par. 4).

15 *wherein the extra-domain usage rule concerns at least one of the following extra-*
16 *domain criteria: (a) the number of content reproductions; (b) the number of content use*
17 *apparatuses; (c) the number of domains; (d) a validity period; (e) a use duration; (f) the*
18 *number of terminal IDs; (g) the number of domain IDs; (h) the number of contents; and*
19 *(i) the number of licenses* (e.g. Medvinsky, par. 170-176).

20

21 Regarding claim 2, the combination enables:

22 *wherein the terminal apparatus is a content use apparatus reproducing an*
23 *encrypted content, the confidential data is an encryption key for decrypting the content,*

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1 *and the control unit is operable to supply the confidential data from the secure device to*
2 *the terminal apparatus, in one 1) the case where it is judged by said first judgment unit*
3 *to be inside the domain; and 2) the case where it is judged by said second judgment*
4 *unit that use is permitted (e.g. Massimo, par. 4, 28, 33).*

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7 Regarding claim 4, the combination enables:

8 *comprising a history recording unit operable to record an extra-domain use*
9 *history indicating a history of use of the content in a content use apparatus outside of*
10 *the domain, the use being based on the extra-domain usage rule, wherein said second*
11 *judgment unit is operable to judge whether or not the extra-domain use history exceeds*
12 *a limit of permitted use indicated in the extra-domain usage rule (e.g. Medvinsky, par.*
13 *76, 177-179).*

14 Regarding claim 5, the combination enables:

15 *wherein said second storage unit and said second judgment unit are included in*
16 *the secure device (e.g. Massimo, par. 34, 37, 40).*

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18 Regarding claim 6, the combination enables:

19 *wherein said second storage unit and said second judgment unit are included in*
20 *the content use apparatus (e.g. Massimo, par. 34, 37, 40).*

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22 Regarding claim 7, the combination enables:

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1 *wherein the content use apparatus includes a reception unit operable to receive*
2 *a new extra-domain usage rule from an outside source, and said second storage unit is*
3 *operable to update the extra-domain usage rule with the new extra-domain usage rule*
4 (e.g. Massimo, par. 4, 28). Herein the combination enables a content use apparatus
5 with a “reception unit”, thus “operable to receive”. Furthermore, the combination
6 enables memory capable of storing information, thus “operable to update”.

7

8 Regarding claim 8, the combination enables:

9 *wherein said reception unit is operable to receive an extra-domain usage rule*
10 *added to a license transmitted by a content distribution server* (e.g. Massimo, par. 4,
11 28). Herein the combination enables a content use apparatus with a “reception unit”,
12 thus “operable to receive”..

13

14 Regarding claim 9, the combination enables:

15 *wherein the content use apparatus further includes: an obtainment unit operable*
16 *to obtain the extra-domain usage rule and an extra-domain use history from a secure*
17 *device inserted into a secure device slot* (e.g. Massimo, par. 13; Medvinsky, par. 49);
18 *and a display unit operable to display a guidance regarding a use status for a*
19 *content use apparatus outside of the domain, based on the obtained extra-domain*
20 *usage rule and the extra-domain use history* (e.g. Massimo, par. 10; Medvinsky, par.
21 30). Herein, the combination enable display units, thus “operable to display...”.

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1 Regarding claims 10, 11, 13 – 21, 23 – 27, they are apparatus and method
2 claims essentially corresponding to the above claims, and they are rejected, at least, for
3 the same reasons.

4

Response to Arguments

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7 Applicant's arguments filed 3/19/10 have been fully considered but they are not
8 persuasive.

9

10 *Applicant argues or asserts essentially that:*

11 ... in Medvinsky, it is possible to specify whether or not to export content to the
12 outside of the domain by copying or moving the content. However, the use of the
13 exported content is unlimited and control of content use in a terminal apparatus or
14 secure device outside the domain is not possible (i.e., it is not possible to perform
15 detailed limitations on content use in a terminal apparatus or secure card outside the
16 domain).

That is, although Medvinsky allows for the control of copying or moving of a content to the outside of the domain, it is not possible to control any one of the following: the number of content reproductions in a terminal apparatus outside the domain; the number of content use apparatuses for which use is permitted; the number of domains for which use is permitted; the validity period; the use duration; and so on.

22 (Remarks, pg. 19, 20)

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2 *Examiner respectfully responds:*

3 The examiner respectfully disagrees with the applicant's assertion. The
4 examiner notes, for example, that the prior art clearly enables users to employ a device
5 or devices within different a plurality of domains (e.g. Medvinsky, par. 207, 208; fig. 15).
6 Furthermore, it is clearly shown that when controlling whether content may be used
7 upon said device or devices, the system employs rules restricted by things such as, but
8 not limited to, a specific domain or a list of zero or more authorized domains (e.g.
9 Medvinsky, par. 168-171), the identifiers of devices within a domain (e.g. Medvinsky,
10 par. 172), start and end dates of when usage is permitted (e.g. Medvinsky, par. 174-
11 176), etc. Such restrictions clearly "concerns" one or more of the applicant's recited (a)
12 *the number of content reproductions*; (b) *the number of content use apparatuses*; (c) *the*
13 *number of domains*; (d) *a validity period*; (e) *a use duration*; (f) *the number of terminal*
14 *IDs*; (g) *the number of domain IDs*; (h) *the number of contents*; and (i) *the number of*
15 *licenses*.

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Conclusion

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19 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
20 policy as set forth in 37 CFR 1.136(a).

21 A shortened statutory period for reply to this final action is set to expire THREE
22 MONTHS from the mailing date of this action. In the event a first reply is filed within

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1 TWO MONTHS of the mailing date of this final action and the advisory action is not
2 mailed until after the end of the THREE-MONTH shortened statutory period, then the
3 shortened statutory period will expire on the date the advisory action is mailed, and any
4 extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
5 the advisory action. In no event, however, will the statutory period for reply expire later
6 than SIX MONTHS from the mailing date of this final action.

7 Any inquiry concerning this communication or earlier communications from the
8 examiner should be directed to JEFFERY WILLIAMS whose telephone number is
9 (571)272-7965. The examiner can normally be reached on 8:30-5:00.

10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
11 supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone
12 number for the organization where this application or proceeding is assigned is (703)
13 872-9306.

14 Information regarding the status of an application may be obtained from the
15 Patent Application Information Retrieval (PAIR) system. Status information for
16 published applications may be obtained from either Private PAIR or Public PAIR.
17 Status information for unpublished applications is available through Private PAIR only.
18 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
19 you have questions on access to the Private PAIR system, contact the Electronic
20 Business Center (EBC) at 866-217-9197 (toll-free).

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